

JC03 Rec'd PCT/PTO 11 OCT 2005

PTO/SB/21 (09-04)

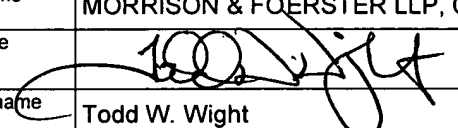
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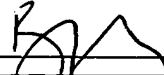
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<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	10/549,820
		Filing Date	September 20, 2005
		First Named Inventor	Norbert HESKE
		Art Unit	Not Yet Assigned
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	7	Attorney Docket Number	297912005600

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement – 3 pages <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO/SB/08a/b - 3 pages Copies of 15 foreign references Return Receipt Postcard
<div style="border: 1px solid black; padding: 5px;">Remarks</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	MORRISON & FOERSTER LLP, Customer No. 25224		
Signature			
Printed name	Todd W. Wight		
Date	October 7, 2005	Reg. No.	45,218

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: October 7, 2005	Signature:  (Barbara Hayashi)

oc-304470

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

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Signature:   
(Barbara Hayashi)

Patent

Docket No. 297912005600

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Norbert HESKE et al.

Serial No.: 10/549,820

Filing Date: September 20, 2005

For: COAXIAL CANNULA PROVIDED  
WITH A SEALING ELEMENT

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

**INFORMATION DISCLOSURE  
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of the foreign documents are also submitted herewith. The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
  - ☐ A fee is required. A check in the amount of \_\_\_ is enclosed.
  - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a check in the amount of \_\_\_ is enclosed.
  - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided above and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

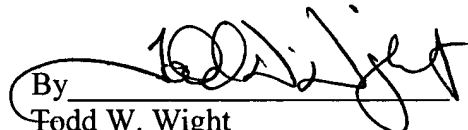
Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 297912005600.

Dated: October 7, 2005

Respectfully submitted,

By   
Todd W. Wight  
Registration No.: 45,218  
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Irvine, California 92612-2445  
(949) 251-7189

Substitute for form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	10/549,820
				Filing Date	September 20, 2005
				First Named Inventor	Norbert HESKE
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	1	of	1	Attorney Docket Number	297912005600

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number-Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	US-2001/0007925	07/12/01	Ritchart et al.	
	2	US-2001/0011156-A1	08-02-2001	Viola et al.	
	3	US-2001/0012919 A1	08/09/01	Terwilliger	
	4	US-2001/0047183 A1	11/29/01	Privitera et al.	
	5	US-2001/014779	08/16/2001	Lubbock et al.	
	6	US-2002/0016555-A1	02-07-2002	Ritchart et al.	
	1	US-2002/0045840-A1	04-18-2002	Voegelé et al.	
	7	US-2002/0045842	04/18/02	Van Bladel et al.	
	8	US-2002/0068878	06/06/02	Jassoni et al.	
	9	US-2002/0082519-A1	06-27-2002	Miller et al.	
	10	US-2002/0120212 A1	08/29/02	Ritchart et al.	
	11	US-2002/0151822 A1	10/17/02	Burdoff et al.	
	12	US-2002/0156395	10/24/02	Stephens et al.	
	13	US-2004/0186393-A1	09-23-2004	Leigh et al.	
	14	US-2004/0215103-A1	10-28-2004	Mueller, Jr., et al.	
	15	US-2004/0249278-A1	12-09-2004	Krause	
	16	US-2004/0249307-A1	12-09-2004	Thompson et al.	
	17	US-2005/0004492-A1	01-06-2005	Burbank et al.	
	18	US-2005/0010131-A1	01-13-2005	Burbank et al.	
	19	US-2005/0027210-A1	02-03-2005	Miller	
	20	US-2005/0165328-A1	07-28-2005	Heske et al.	
	21	Des. 403,405	12/29/98	Terwilliger	
	22	US-3,606,878	09/21/71	H.B. Kellogg, Jr.	
	23	US-3,844,272	10/29/74	Banko	
	24	US-4,490,137	12/25/84	Moukheibir	
	25	US-4,940,061	07/10/90	Terwilliger et al.	
	26	US-4,958,625	09/25/90	Bates et al.	
	27	US-5,025,797	06/25/91	Baran	
	28	US-5,125,413	06/30/92	Baran	
	29	US-5,282,476	02/01/94	Terwilliger	
	30	US-5,368,045	11/29/94	Bates et al.	
	31	US-5,400,798	03/28/95	Baran	
	32	US-5,526,822	06/18/1996	Burbank et al.	
	33	US-5,546,957	08/20/96	Heske	
	34	US-5,617,874	04/08/97	Baran	
	35	US-5,649,547	07/22/97	Ritchart et al.	
	36	US-5,655,542	08/12/97	Weilandt	
	37	US-5,709,697	01/20/98	Ratcliff et al.	
	38	US-5,752,923	05/19/98	Terwilliger	
	39	US-5,766,135	06/16/98	Terwilliger	
	40	US-5,769,086	06/23/98	Ritchart et al.	
	41	US-5,769,795	06/23/98	Terwilliger	
	42	US-5,775,333	07/07/98	Burbank et al.	
	43	US-5,788,651	08/04/98	Weilandt	
	44	US-5,807,282	09/15/98	Fowler	
	45	US-5,817,034	10/06/98	Milliman et al.	
	46	US-5,823,970	10/20/98	Terwilliger	

Examiner Signature		Date Considered	
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				Application Number	10/549,820
				Filing Date	September 20, 2005
				First Named Inventor	Norbert HESKE
				Art Unit	Not Yet Assigned
				Examiner Name	Not Yet Assigned
Sheet	2	of	1	Attorney Docket Number	297912005600

47	US-5,857,982	01/12/99	Milliman et al.	
48	US-5,913,857	06/22/99	Ritchart et al.	
49	US-5,928,164	07/27/99	Burbank et al.	
50	US-5,944,673	08/31/99	Gregoire et al.	
51	US-5,951,490	09/14/99	Fowler	
52	US-5,964,716	10/12/99	Gregoire et al.	
53	5,971,939 A	10-26-1999	Cooper et al.	
54	US-5,976,164	11/02/1999	Mueller et al.	
55	US-5,980,469	11/09/99	Burbank et al.	
56	US-6,007,495	12/28/99	Matula	
57	US-6,007,497	12/28/99	Huitema	
58	US-6,019,733	02/01/00	Farascioni	
59	US-6,022,324	02/08/00	Skinner	
60	US-6,027,458	02-22-2000	Janssens	
61	US-6,036,657	03/14/00	Milliman et al.	
62	US-6,050,955	04/18/00	Bryan et al.	
63	US-6,077,230	06/20/00	Gregoire et al.	
64	US-6,083,176	07/04/00	Terwilliger	
65	US-6,083,237	07/04/00	Huitema et al.	
66	US-6,086,544	07/11/00	Hibner et al.	
67	US-6,106,484	08/22/00	Terwilliger	
68	US-6,110,129	08/29/00	Terwilliger	
69	US-6,120,462	09/19/00	Hibner et al.	
70	US-6,126,617	10/03/00	Weilandt et al.	
71	US-6,142,955	11/07/00	Farascioni et al.	
72	US-6,162,187	12/19/00	Buzzard et al.	
73	US-6,165,136	12/26/00	Nishtala	
74	US-6,193,673 B1	02/27/01	Viola et al.	
75	US-6,196,978	03/06/01	Weilandt et al.	
76	US-6,213,957 B1	04/10/01	Milliman et al.	
77	US-6,231,522 B1	05/15/01	Voegelé et al.	
78	US-6,241,687 B1	06/05/01	Voegelé et al.	
79	US-6,273,861	08/14/01	Bates et al.	
80	US-6,273,862 B1	08/14/01	Privitera et al.	
81	US-6,280,398 B1	08/28/01	Ritchart et al.	
82	US-6,283,925 B1	09/04/01	Terwilliger	
83	US-6,322,523	11/27/01	Weilandt et al.	
84	US-6,328,701 B1	12/11/01	Terwilliger	
85	US-6,402,701 B1	06/11/02	Kaplan et al.	
86	US-6,428,486 B2	08/06/02	Ritchart et al.	
87	US-6,428,487 B1	08/06/02	Burdorff et al.	
88	US-6,432,064 B1	08/13/02	Hibner et al.	
89	US-6,432,065 B1	08/13/02	Burdorff et al.	
90	US-6,436,054 B1	08/20/02	Viola et al.	
91	US-6,488,636 B2	12/03/02	Bryan et al.	
92	US-6,540,694 B1	04/01/03	Van Bladel et al.	
93	US-6,540,761 B2	04/01/03	Houser	
94	US-6,551,255 B2	04/22/03	Van Bladel et al.	
95	US-6,554,779 B2	04/29/03	Viola et al.	
96	US-6,638,235	10/28/03	Miller et al.	
97	US-6,752,768	06/22/04	Burdorff et al.	

Examiner Signature	Date Considered
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Sheet	3	of	1	Attorney Docket Number	297912005600

	98	US-6,758,824	07/06/04	Miller et al.	
	99	US-6,764,495	07/20/04	Lee et al.	
	100	US-6,849,080-B2	02-01-2005	Lee et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>2</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
	101	DE 4041614	10/15/1992			
	102	DE 10026303	02/07/2002			
	103	DE 10034297	04/12/2001			
	104	DE 20209523	09-19-2002	Sandor		
	105	EP 0433717	06-26-1991	Haindl et al.		
	106	EP 0890339	01/13/1999			
	107	EP 0995400 A1	04/26/00			
	108	EP 1074271	02-07-2001	Salazar et al.		
	109	GB 2018601	10/24/1979			
	110	WO 96/28097	09/19/1996			
	111	WO 98/25522	06/18/1998			
	112	WO 00/30546	06/02/00			
	113	WO 00/59378	10/12/00			
	114	WO 02/069808 A2	09/12/02			
	115	WO 02/32318 A1	04/25/02			

\*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author ( in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>

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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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